

# **FUNDAMENTALS OF TRIAL ADVOCACY COURSE**

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## **CLOSING ARGUMENT**

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# Closing Arguments Roadmap

# 1 Threat in the courtroom \_\_\_\_\_

\_\_\_\_\_ causes Reasonable Doubt

Three areas of concern

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

How do you fight \_\_\_\_\_

Six Ps Principles: Prior Planning Prevents Piss Poor Performance.

Roadmap for Preparing Closing Arguments (TSET):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
4. \_\_\_\_\_

**THEME:**

What did the defendant do that deserves punishment?

What scares you about the case?

What are the defenses?

What are the issues?

Why do \_\_\_\_\_ care about the case?

**STORY:**

What story do you tell? \_\_\_\_\_

What do you need to translate to the jury?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Paint a \_\_\_\_\_ of what happened:

Play up all 5 Senses: See, Smell, Hear, Feel, Taste

Use Quotes.

Combine Quotes and Photos

Jolt them with entertainment. Don't be boring.

## **ELEMENTS:**

Review the Elements of the Counts.

Tell the jury the evidence proves beyond a reasonable doubt the defendant is guilty.

Separate the elements by:

1. \_\_\_\_\_

Go over the elements the parties \_\_\_\_\_ about.

Go over the \_\_\_\_\_ that shows it to be true.

2. \_\_\_\_\_

Go over the \_\_\_\_\_

Throw down your \_\_\_\_\_ again

Show them why you WIN by going through the evidence/fact.

## **THEME**

## **Things to Avoid and Things to Do:**

Avoid:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

To Do:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

## **Defense's Closing Arguments:**

Ignore \_\_\_\_\_ attacks on you, the victim, the officers and the witnesses.

Listen during defense closing for:

Things being said

Things not being said

Facts and evidence defense is agrees with the State

Facts and evidence the defense concedes to during closing

Facts and evidence the defense are not contesting

Whether or not the defense is correctly stating the law and the facts

# **Rebuttal**

Yes!! You can and should prepare your rebuttal close.  
Failing to Prepare = Preparing to Fail

Roadmap for Rebuttal:

## **1. Theme**

This isn't a case about (fairly stated comment of defense argument), this is  
a case about \_\_\_\_\_.

## **2. Rebuild Credibility**

Uncontested Elements

## **3. Get to Gettin'**

The only issue left for you to decide before you sign the guilty verdict is....

## **4. Theme**

**More things to Avoid:**

Burden shifting

Vouching

Commenting on defendant's silence

Calling defendant and counsel names

Invoking emotional pleas on the jury

Unfairly describing the defense's theory of the case

Personal comments on the evidence

**~ Always remember your goal ~**  
**Destroy Confusion**

